


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Bobby Mayberry,	:	
Plaintiff	:	Civil Action 2:10-cv-204
v.	:	Judge Sargus
Adrias Barnett, <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants.	:	

**ORDER DISMISSING CASE**

On September 29, 2011, Plaintiff Bobby Mayberry filed a notice of dismissal stating that by agreement of the parties he intended to dismiss all claims brought in his complaint with prejudice. However, the notice of dismissal was not "signed by all parties who have appeared", and Defendants filed an answer in this action. Fed. R. Civ. P. 41(a)(1)(A)(ii).

It appearing that Defendants have no objection, the Court construes this notice as a motion pursuant to Fed. R. Civ. P. 41(a)(2), and it is further **GRANTED**. This action is **DISMISSED WITH PREJUDICE**. The Clerk of Court is **DIRECTED** to close this case.

s/  11-23-2011  
United States District Judge